

SUPREME COURT OF THE STATE OF WASHINGTON

DAVID T. MCDONALD, RONALD TARO
SUYEMATSU, et al.

Petitioner-Electors,

v.

SECRETARY OF STATE SAM REED, et
al.,

Respondents.

NO. 76321-6

DECLARATION OF ARTHUR
WARNER IN SUPPORT OF PETITION
FOR WRIT OF MANDAMUS

I, Arthur Warner, declare under penalty of perjury of the laws of the State of
Washington that the following is true and correct:

1. I am over the age of 18, am competent to be a witness herein, and make this
declaration based on my own personal knowledge.
2. I have voted regularly and continuously since becoming eligible.
3. I reside and am registered to vote in Whatcom County. However, for

DECLARATION OF ARTHUR WARNER IN
SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 1

1 the November 2, 2004 election I decided to vote at a polling location in Skagit County, as it
2 is near where I work, and I was able to vote during my lunch hour.

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4 4. When I arrived at the polling location in Skagit County, I informed the
5 election workers that I was registered to vote in Whatcom County, but desired to vote by
6 provisional ballot at the polling location in Skagit County. The election worker gave me a
7 provisional ballot as I requested. I filled out the provisional ballot in its entirety according
8 to the poll workers instructions. I then sealed and placed my provisional ballot into the
9 designated box. I assumed that my ballot had been forwarded to Whatcom County where I
10 am a registered voter and counted in the November 2, 2004 election.

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12 5. In early December I received a letter from Skagit County dated December 2,
13 2004. Attached hereto as exhibit A is a correct copy of the Skagit County letter dated
14 December 2, 2004. The letter indicated that Skagit County had not counted my provisional
15 ballot, as Skagit County had no record of my voter's registration.

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17 6. Since receipt of the letter I have contacted the Skagit County Election's
18 Office to ascertain why they did not forward my ballot to Whatcom County where I am a
19 registered voter. The elections worker I spoke with informed me that I should have
20 indicated on the Skagit County provisional ballot I was registered to vote in Whatcom
21 County. However, on November 2, 2004, I followed all poll worker instructions with regard
22 to how I should complete my provisional ballot paperwork. In addition, I notified the
23 elections workers at the polling precinct where I voted provisionally that I was registered to
24 vote in Whatcom, not Skagit County. Despite this information, no election worker at the
25 polling precinct informed me that I should have indicated I was a Whatcom County voter on
26 my provisional ballot. Further, I saw no location on the provisional ballot envelope where I
27 could have indicated that Skagit County should forward the ballot to Whatcom County.

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**DECLARATION OF ARTHUR WARNER IN
SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 2**

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1 During the telephone conversation in early December, the Skagit County elections worker
2 informed me that my ballot would not be counted in the 2004 election.
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5 7. Additionally, while I am a registered voter in Whatcom County, the County
6 has not received my provisional ballot from Skagit County and my provisional ballot has not
7 been counted by Whatcom County.
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11 8. I do not know why Skagit County failed to forward my ballot to Whatcom
12 County. I followed all poll worker instructions the day of the November 2, 2004 election,
13 and I want my ballot to be counted.
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19 SIGNED and DATED at Newhalem, Washington, this 7th day of December,
20 2004 by ARTHUR WARNER.
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25 Arthur Warner
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DECLARATION OF ARTHUR WARNER IN
SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 3

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